

AVIATION

The Oldest American Aeronautical Magazine

APRIL 21, 1924

Issued Weekly

PRICE 10 CENTS



Good luck! — The British World Flight starts off from Calshot, England

VOLUME
XVI

SPECIAL FEATURES

NUMBER
16

THE FUTURE OF THE AIR TERMINAL
AIR MAIL INVITES BIDS ON MAIL PLANES
PROGRESS OF THE ROUND THE WORLD FLIGHTS
NATIONAL AND INTERNATIONAL AIR LEGISLATION

GARDNER PUBLISHING CO., Inc.
HIGHLAND, N. Y.
225 FOURTH AVENUE, NEW YORK

PUBLISHER'S NEWS LETTER

The correspondence on the exact status of *U. S. Air Service* continues to fill the day's mail box. We are pleased to know that *Shannon*, now thoroughly civilized, and an excellent contemporary as such, is also able to add its word of protest against the improper methods used by the so-called "official" magazine of an Association, that has never held a meeting since it was organized five years ago. As *Shannon* writes: "The *U. S. Air Service Publishing Company* is now profiting by very unfair methods. The very editors whom *Shannon* held, but was released from using during its connection at McCook Field etc, and always have been brought to play by the company."

"The use of the title 'U. S. Air Service' is unfair. It is an unfair and unlawful use of the American flag in advertising matter. They are using General Patrick's name and that of other high Air Service officials to gain prestige in the eyes of those seeking contracts with the Government."

AVIATION endorses every word of the above statement and for the information of those of our readers who may consider this "official" publication a "service" magazine like *The Infantry Journal* or others we quote from a letter of Secretary Weeks dated March 8, 1924:

"It is reported that the Army and Navy Air Service Association leans to the Publishing Company solely the relation of a stockholder in a corporation. The Chief of Air Service further reports that he can find no evidence that the United States Air Service as a magazine answers in any way to the definition of a 'service magazine.' The Publishing Company is gaining its financial strength and the Association is now in turn in a fair way to realize something on its investment."

As the War Department and the Navy Department are now investigating the methods of the publication, we will defer publishing the results of our investigation until a final decision is reached.

At a time when American Aviation is at a low ebb, when the aeronautical publications are struggling to keep afloat, when the National Association to Aeronautics cannot support itself but has to rely on generous benefactors, it is very disconcerting to see the great support that can be secured to the country to foreign aviators while our own efforts are so poorly encouraged. We refer to the great publicity given to the American expedition to the North Pole and the raising of \$150,000 for it by the sale of postal notes. A year or two ago, Mr. Amundsen was furnished with two American airplanes to make the attempt. He was advised to use skilled American pilots, but he did not do so. The expedition was a failure in more ways than this.

Then a new venture was planned, A Norwegian expedition was organized. German ships, Swedish, English, Russian, and other American support vessels. The Navy Department, in our opinion very correctly, gave the expedition an official status by detailing a Navy aviator to fly at this entirely foreign enterprise. But up to this point the expedition was not commercialized. Then the more strenuous of postal note lands. First the aeronautical publications were tried, then the department store of John W. Wadsworth bought some and sold a few. And now when we pick up a paper, or listen to radio, we are told by the Canadian store of the great postulates of the mainline aspects of the Polar flight and asked to contribute, by buying postal cards, to a \$100,000 fund.

When the *Shenandoah* was going to the Pole, we heard much of discovering a "lost continent." Canada protested that as the main very definite claims in this direction. As far back as 1911 there appeared as a Coast and Geodetic Survey publication, *Arctic Tales*, by Rollo A. Harris, a map of the polar region which indicated the so-called "lost continent" as an extension of Greenland, which belongs to Denmark. The existence of this extension has been questioned by recent explorers, but an interesting point is involved by an exchange of correspondence between the State Departments of Denmark and the United States in connection with the sale of the Danish West Indian Islands to the United States in 1917. The Hon. Robert Lansing, Secretary of State, made then the following declaration:

"That the Government of the United States of America would not object to the Danish Government extending their political and economic interests to the whole of Greenland." This important statement does not appear in the Treaty, but is in the form of a Declaration made August 4, 1916.

We do not wish to get involved in a discussion of international law, but with Canada claiming all land to her north as the Pole, with the United States relinquishing any claim it may have had to the possible extension of Greenland, this country may find itself in a position to claim some of the discoveries in the Arctic. It would be a humiliating thing for American Aviation if an American Naval pilot using a German aircraft with a Danish engine should plant the Norwegian flag on land in the Arctic which may belong to Denmark. If this field of endeavor is open and has possibilities for the United States, let an American explorer follow Peary and bring prestige to our country.

APRIL 21, 1924

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Published every Monday

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GARDNER PUBLISHING COMPANY, Inc., Publishers

GENERAL AND EDITORIAL ROOMS 225 FOURTH AVENUE, NEW YORK

Publication office

HIGHLAND, N. Y.

Subscription price: Four dollars per year. Single copies 15 cents. Canada, per dollar. Foreign, six dollars a year. Copyright 1924, by the Gardner Publishing Company

Issued every Monday. Please allow ten days previously. Entered as second-class matter Nov. 22, 1909, at the Post Office at Highland, N. Y., under act of March 3, 1879.

\$50,000. IN PRIZES

DAYTON, OHIO,

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THROUGH the entire history of aviation over a period of 20 years the Wright organization has maintained its high position.

Its leadership has been soundly built upon extensive research and intelligent engineering development, although its experience includes the manufacture of aeronautical equipment in extremely large quantities.

The Wright organization, ever mindful of its first achievement—the art of flying—continues to contribute each year its best ability and engineering experience to the advancement of flying.

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Vol. XVI

APRIL 21, 1924

No. 16

Foreign Race Entries

A FINE point regarding the financing of foreign aircraft manufacturers by this country to compete with the government entries at Dayton next fall is being discussed by those interested in maintaining American supremacy in the air.

A French correspondent writes in this connection: "Mr. Latham has offered to pay the expenses of French entries in the Pulitzer Trophy race next October together with those of the necessary repair, crew, etc., and from the states." Based at first on the standpoint of the "patriot" at Dayton and the greatly enhanced interest in the event that foreign competitors would bring it to an splendid idea. It would also give American aeronautical engineers an opportunity to see the latest French airplanes.

One mark for the advantages. The dangers of the proposal, however, are almost self evident. They were pointed out to us by an English friend. He takes the view that the foreign private constructor has little chance for success against the American Army or Navy because of the large sums that they lay out for the construction of racing aircraft. In other words, if they come over at American expense and win, American aeronautics could rightfully expect that their expenses would be paid next year by European race managers. This has never been done, and the probability of its ever occurring is remote in his opinion. On the other hand, if the foreign entry loses, then, he believes, they will be under the double stigma of not only losing, but having the world know that even when aided by American financial assistance they could not beat American government airplanes.

But from the American viewpoint other questions arise. Would private foreign constructors have their expenses paid by us to stimulate them to build military machines that may rival the aircraft on which our own government has spent hundreds of thousands of dollars? Is the Pulitzer race a race apart event, or does it answer the purpose of developing machines applicable to National Defense?

There are very pertinent questions, particularly as the slogan of the National Aeronautic Association is "Make Women First in the Air." The Army and Navy will probably consider this new problem very carefully. We are frankly uncertain as to the question and open it for discussion to a matter of general interest.

Radio and Air Legislation

THE Bill pertaining presently to radio that has been introduced by Senator Howell has an interest to those here operators or to the "freedom of the air"

The Bill states:

Restricting the use of the ether for radio communication

or otherwise to be the inalienable possession of the people of the United States and their Government, and for other purposes:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the ether and the use thereof for the transmission of signals, words, energy, and other purposes, within the territorial jurisdiction of the United States, is hereby declared to be the inalienable possession of the people of the United States and their Government, but privileges to enjoy such use may be granted as provided by law for terms of not to exceed two years."

If the bill should be passed it would establish the legal status of the ether for radio and flying. We have heretofore believed laws for radio would simplify the problem of aviation legislation.

Function of the N.A.A. Contest Committee

A VIATION has repeatedly called attention to the fact that the Contest Committee of the National Aeronautic Association is extending the scope as set down for it in the regulations of the International Aeronautic Federation. At a recent conference in Washington it was pointed out to the Contest Committee that some of its present functions are not those required by the F.A.I. Regulations. The entry rules existing in the English translation of these regulations have become so apparent that a new translation is now being made, which, it is hoped will correct errors such as that of rendering manifestation operators by "aeromarine event," when it merely means "rocket."

Several papers could be filed as pointing out other, no less serious, errors that occur in the Aero Club of America translation of the F.A.I. Regulations, some of which actually reverse the meaning of the original text.

This matter becomes important on account of the announcement that the plans for the 1925 Pulitzer Trophy race will be selected by July 1, next.

It is our contention that the Contest Committee has very little to do with "viability of premises," "baited recommendations," "test lines" or "good roads." These subjects pertain properly to the Executive Committee of the N.A.A. It is, in fact, a danger for a judicial body such as the Contest Committee to pass on such matters, for its function is to pass on the aeronautical qualifications of a field, to apply the F.A.I. Regulations, to supervise timing and enforce the race program.

As the F.A.I. Regulations have just been revised by a special committee of the F.A.I., one of the most important duties of the N.A.A. is to see that the revised translation will be correct and clear so that everyone in aviation will know just what they mean.

form Aviation Act, which was sponsored by the American Bar Association, of which Professor Hogen was Chairman, in its proposed Uniform Law for Aeronautics, attempts to solve this problem. Section 1 thereof declares and declares that the ownership of space above the lands and waters of the state is vested in the several owners of the surface beneath, subject to the right of flights described in Section 4. This provides that flight in aircraft over such lands and waters is lawful when it is such a low altitude as to interfere with the reasonable use of such the land or water, or the space over the land or water, is put by the owner or owners, and so conducted as to be seriously dangerous to persons or property lawfully on the land or water beneath.

Case No. 2—Negligence

The plaintiff, an adult six years old, attended a county fair in company with her mother. She was injured by an airplane when it was an attention at said fair, when the airplane exploded and fell from its course. The mother was suing the plaintiff. The suit was based on negligence, and was brought against the county fair. The court held that the defendant could not serve duty in such position as attended the fair to guard them from injury by means and persons which were reasonable and which would be suggested by prudence and foresight; that the county fair had not assumed ordinary and reasonable prudence—first, that there was insufficient police, and second, the landing place was not sufficiently fenced off.

This case is entitled *People v. New County Agricultural Society*, 144 App. Div. 58, 140 N. Y. Supp. 5201 and was decided in October, 1934. The court refused to assume the point that the service was an independent contractor, because even so, the county fair had the duty imposed upon it to use reasonable prudence to protect those invited to witness the exhibition.

There was a similar case decided in 1909 (*Hoyer v. Ulster County Agricultural Society*, 126 App. Div. 87, 220 N. Y. Supp. 644) where there was a fall from an airplane, and a small boy was caught, the plaintiff asked the value and three her down, dragging her for some distance. He caught the rope in her hand, and was carried several hundred feet in the air. The defendant claimed the accident was an independent contractor and refused to assume the question in the case. The defendant Agricultural Society had provided a plaintiff with a safe place to use the exhibition. The jury decided that a safe place had not been provided, and that the Agricultural Society had also failed to give warning regarding the danger.

Comment

Now, in these times, neither the balloon nor the airplane was considered a dangerous instrumentality—the question concerned the safety of the audience invited to watch the exhibition.

Now, this would seem the best place to discuss the question of absolute liability for injury caused by an airplane. An excellent article by the Hon. William F. MacCormack, Jr., of the Connecticut Bar, appeared in the *Annual Yearbook for 1925*, published by the American Bar Association, of Connecticut.

The American Bar Association, at its 15th of the proposed Uniform Aviation Act provides for damage on land caused by the aircraft, descent or flight of the aircraft, or the dropping or falling of any object therefrom.

The owner of an aircraft is made absolutely liable for injury to persons or property, whether such persons were negligent or not, unless the injury is caused in whole or in part by the negligence of the person injured, or the owner or the holder of the property injured. If the aircraft is owned or leased by a person or persons, and liable to the person or persons, or jointly or separately, and an aircraft which is not the owner or lessee shall be liable only for the consequences of his own negligence. The insured party is given a lien on the aircraft to the extent of the claim.

On this point it has been frequently suggested that to attribute or the owner of an airplane should be required to give a bond to insure liability for damage. There is a law in the United States where Aero credits are used to give

exhibition flights. The Secretary of War is authorized to secure a bond of indemnity to be furnished to the Government by the parties desiring the exhibition, the purpose of the bond being to guarantee the payment of any damages to persons or property. This law is known as §187 of the U. S. Compiled Statutes, Title XIV, The Army, passed March 3, 1923, C.378, Title 1.

Professor Handlake, of Cambridge University, says that the doctrine of absolute liability is justified on the ground of negligence and doctrine of the law.

In the book entitled "Aircraft in Peace and the Law" by J. M. Spaight, published in London in 1929, Mr. Spaight, at page 82, says:

"It is not only supported by reasons of right and equity thereof, but there are far substantiated a two practical arguments which should appeal to statesmen. In the first place, the liability will be assumed to rest by assumption, and it is much more practicable proposition to place the duty of a carrier upon insured body of aircraft owners than upon the population at large. In the second place, it rests with the carrier to increase the factor of safety in flight, and they will be much inclined to secure the safety of their machines if liability for accidents is declared their responsibility, without any exceptions."

There can be little question as to the merits of reasonable use as to who should suffer the consequences, the aircraft who causes the injury, or the innocent person who suffers the injury.

In a draft bill prepared by the American Bar Association, the device or issue of an aircraft was required to be in an official place, a bond to cover for all damages that may result to any person as an insured in a voyage undertaken.

Wendell was here been present in the State of New York to provide for federal drivers' putting up bonds prior to their getting licenses. It is a common occurrence in the City of New York for a federal driver to injure someone, and to have a suit against the driver result in the recovery of an enormous judgment.

But suppose two airplanes collide in the air, and the collision is caused by the fault of both parties, there could be no recovery under the common law, because the fault is contributed to by both parties, but under the rule of indemnity, which would prevail after the passage of the Windsor Bill, the resulting loss would be divided between the two parties as in the case of collision between ships at sea.

(To be continued)

Book Review

REPORT ON THE INTERNATIONAL AIR CONGRESS, LONDON, 1929
Edited for the Committee by Ed. Col. Loeuvel, March General Secretariat, 378 pp. (Royal Aeronautical Society, 20, Avenue de la Libération, 10, London, England.)

This book, volume contains all of the papers, most recent in all, that were read before the International Air Congress in London at the opening of 1929. These papers review the latest progress made in practically all the branches of aeronautics, covering such a diversity of subjects as Civil Air Transport, Heavy Civil Engines, Variable Pitch Propellers, Landing Gear, and the Aerodynamics of Airplane Structures.

The report will be of especial value to those having already a considerable knowledge of aircraft theory and practice and wishing to be brought up to date on the latest developments and possibilities.

New Position Finding Method

A simple method of finding the latitude and longitude of aircraft by the observed altitudes of two stars and the observer standing has been worked out by the Bureau of Standards, Department of Commerce. The method consists in finding the position of the aircraft by observing two stars, such as Regulus and Betelgeuse. From this data the latitude and the local sidereal time can be found by means of a specially prepared diagram, and a simple calculation gives the longitude when Greenwich sidereal time is known.

Progress of the Round the World Flights



Map showing progress of American World Flight from Seattle to Japan

American World Flight

The American World Flight squadron, commanded by Maj. Lindbergh, left Seattle, Wash., on April 10 for the second leg of its round the world flight, flying from Seattle, Wash., to San Francisco, a distance of 300 mi. The day plane, which had been damaged on landing at Prince Rupert, was repaired with spares shipped from Seattle.

Major Lindbergh, accompanied by Capt. Keith, left Seattle on the day plane from Prince Rupert on April 13 to Seattle, 475 mi. away, which is the next stopping place on the schedule.

The Atlantic stage as far as Japan are shown on the sheet next.

British World Flight

Some details are now on hand regarding the progress of the British World Flight from Calcutta to Seattle. The first day's progress, March 25, ended at Le Havre, where the ship was left and only missed the cliffs of the French coast to make an emergency landing. Incidentally the pilot of the day plane, flying from Calcutta to Seattle, was an first, Squadron Leader Macdonald, who is the navigator and who is in charge of the expedition.

On the following day the Valère flew from Le Havre to London and on March 27 the Valère flew from London to Seattle. On the latter part of the flight was made in rain and thick clouds, and at San Diego the Valère got across the mountains, flying by way of Canada. On March 28 the plane left Civil Service for Home, and on getting off the port wing fuel was damaged. This was repaired by the Home air force, and on March 30 the expedition left Home for Seattle. On landing at Honolulu the Valère was not clear when the engine stopped, a victory was won. The victory was very difficult on account of heavy rain, and Mr. Macdonald stated that the plane might not get across the "Iron Horse" life in and to be badly pained with the aid of the Hind control indicator when flying through clouds.

On proceeding from Honolulu to Seattle, the Valère was forced to land on Lake Kure, in the island of Kure, where it started flying. Examination of the trouble disclosed that the propeller induction gear had stopped on the

Napier Lion engine, which made it necessary to have a new propeller shipped from London.

All the time of going to press the Valère was still in Seattle. The Canadian stage of the British World Flight route will be as follows: Prince Rupert, Edmonton, Regina, Winnipeg, Saskatoon, Moose, Toronto, Montreal, Ottawa, St. Louis, Philadelphia, New York, and Seattle. A. S. From the latter place the Valère will fly to St. John's, N. F., where she will be prepared for the trans-Atlantic flight to Seattle. The Valère will be in Seattle (1929 mi.) or in Ireland (1029 mi.), which will depend on how much the plane is forced to stop. It appears that the schedule of the British World Flight will be a letter at Calcutta on June 27, 1934.

Books on Aeronautics

Research University, 29 Jackson Place, Washington, D. C., will send, free of cost of handling and mailing to any person who will send twenty-five cents in stamps, a copy of each of the following booklets, which are of value to persons interested in aviation: "Aviation Matters," a series of practical suggestions in their care and maintenance; "Aviation Terms," "Notes on Flying," for an aviator; "English Flight Dictionary of Aeronautical Terms," "Aviation Instructions," "Signal Corps Training Manual."

Special courses in aviation subjects are taught by the university, which is a non-profit service. The lectures and faculty are principally made up of government employees.

France Honors Wrights

Oville Wright has just been presented officer of the French order of the Legion of Honor, and his sister, Mrs. Catherine Wright, has been appointed an officer of the Legionnaire Philanthropie on the occasion of the 25th anniversary of the first manned flight.

Strength of Italian Air Squadrons

Under the new organization scheme of the Italian air force, the number of planes per squadron for the different squadrons has been fixed as follows: Pursuit 12, Observance 15, Bombardment 8, Night Bombardment 6, Reconnaissance 9.

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The authors, E. C. Vivian, formerly editor of the British publication "Flying," and Lieut. Col. W. Lockwood Mack, Secretary of the Royal Aeronautical Society, are recognized throughout the aeronautical world as authorities on the subject. Voluminous flights are devoted to the magnificent American contribution to flight in accounts of the experiments and achievements of the Wright Brothers and other pioneer Americans. The development of the internal combustion engine is thoroughly covered in an interesting form for the general reader, yet with an accuracy and understanding which will be appreciated by the expert expert. Besides a comprehensive index, there is a valuable bibliography on the recognized reference and technical works on the recent history of aeronautics.

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